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UNITED BEHAVIORAL HEALTH
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DAVID AND NATASHA WIT, et al.,
Plaintiffs,

v.

UNITED BEHAVIORAL HEALTH,
Defendant.

Case No. 3:14-CV-02346-JCS
Related Case No. 3:14-CV-05337-JCS

**STIPULATION AND [PROPOSED]
ORDER REGARDING SCHEDULE FOR
JOINT SUBMISSION REQUESTED IN
AUGUST 5, 2025 ORDER**

GARY ALEXANDER, et al.,
Plaintiffs,

v.

UNITED BEHAVIORAL HEALTH,
Defendant.

Judge: Hon. Joseph C. Spero

1
2 Pursuant to Civil Local Rules 6-1(b), 6-2, and 7-12, and the Court's August 5, 2025 Order
3 (ECF No. 669), the parties in the above-captioned consolidated actions, by and through their
4 respective counsel of record, hereby stipulate as follows:

5 WHEREAS, on August 5, 2025, the Court issued an Order (ECF No. 669) regarding the
6 Plaintiffs' breach of fiduciary duty claim and the extent to which it survived the Ninth Circuit's
7 decision in *Wit v. United Behav. Health*, 79 F.4th 1068 (9th Cir. 2023) ("*Wit III*");

8 WHEREAS, the Court held that Plaintiffs' breach of fiduciary duty claim survives *Wit III*
9 to the extent that it is based on breaches of the duties of loyalty and care (ECF No. 669 at 56);

10 WHEREAS, the Court further held that judgment must be entered in favor of UBH on the
11 breach of fiduciary duty claim to the extent that claim is based on breach of the duty to adhere to
12 plan terms, *id.* ;

13 WHEREAS, the Court thus ordered the parties to meet and confer and submit, no later
14 than September 12, 2025, joint or separate proposals addressing next steps in this case and
15 whether any injunctive or declaratory relief previously awarded by the Court that has not already
16 been reversed by the Panel requires modification in light of the Court's August 5, 2025 Order, *id.*
17 at 56-57.;

18 WHEREAS, Plaintiffs and UBH have begun to meet and confer about their respective
19 positions on necessary changes to the Remedies Order in light of the Court's August 5, 2025
20 Order;

21 WHEREAS, the Parties require additional time to continue meeting and conferring in
22 order to: (a) identify areas of agreement and disagreement; and (b) as to any remaining areas of
23 disagreement, exchange position statements for joint submission to, and resolution by, the Court;

24 WHEREAS, Plaintiffs and UBH seek to continue to meet and confer and have agreed on a
25 schedule for mutual exchanges of their positions and preparation of a joint submission to the
26 Court regarding the parties' respective positions on appropriate modifications to the Remedies
27 Order in light of the Court's August 5, 2025 Order;

28 WHEREAS, the Parties respectfully request that the Court continue the Parties' deadline
to submit their joint submission to the Court from the current deadline of September 12, 2025 to

October 9, 2025;

IT IS HEREBY STIPULATED AND AGREED that, subject to the approval of the Court, the parties' deadline to submit their joint submission to the Court addressing next steps in this case and whether any injunctive or declaratory relief previously awarded by the Court that has not already been reversed by the Panel requires modification in light of the Court's August 5, 2025 Order is hereby continued from the current deadline of September 12, 2025 to **October 9, 2025**.

Respectfully submitted,

Dated: September 12, 2025

ZUCKERMAN SPAEDER LLP

/s/ Caroline E. Reynolds

Caroline E. Reynolds
Jason S. Cowart
Joshua Mathew

PSYCH-APPEAL, INC.
Meiram Bendat

Attorneys for Plaintiffs and the Classes

Dated: September 12, 2025

CROWELL & MORING LLP

/s/ Jennifer S. Romano

Jennifer S. Romano
Andrew Holmer

Attorneys for Defendant United Behavioral Health

ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest that concurrence in the filing of this document has been obtained from the other signatories.

Dated: September 12, 2025

/s/ Jennifer S. Romano
Jennifer S. Romano

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: _____

The Honorable Joseph C. Spero
United States Magistrate Judge